In the High Court of Punjab and Haryana at Chandigarh

Date of decision: 19.09.2011

State of Haryana and another .. Appellants

Versus

Ram Kumar ... Respondent

CORAM: HON'BLE MR. JUSTICE PERMOD KOHLI
HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.RS Kundu, Addl. Advocate General, Haryana,
for the applicant-appellants.

PERMOD KOHLI, J.

C.M. No.4315 of 2011 is allowed. Delay in filing the appeal is condoned.

Order dated 21.03.2011 passed by the learned Single Judge in Civil Writ Petition No.14737 of 2010 has been challenged in the present appeal.

Vide the impugned order, learned Single Judge has allowed the writ petition filed by the respondent and issued a direction for his consideration for the post of Head Master with effect from the date his juniors were promoted holding that the respondent possessed the requisite qualifications.

Respondent who was working as Hindi Teacher having

qualification of Prabhakar, BA, MA (Sanskrit) and had also qualified a Language Teacher Course (LT), was denied promotion to the post of Head Master. He filed a writ petition claiming right of consideration for promotion with effect from the date his juniors were promoted. Promotion was sought against 7% quota prescribed under the rules, namely, Haryana State Education (School & Inspection Cadre-Group-B Service) Rules, 1998 (hereinafter referred to as the Rules). Rule 9 (d) of the aforesaid Rules prescribes 7% quota for promotion to the post of Head Master from amongst language teachers as per the roster given in Appendix-E. The appellant, herein, disputed the eligibility of the respondent stating that he does not possess the requisite qualification or BT/B.Ed. and that he belongs to category of Lecturers. Thus, the respondent is not entitled for such promotion.

Learned Single Judge found that the respondent had requisite experience and also passed the Language Teacher Course. While considering the qualification prescribed for the post of Head Master, learned Single Judge found that qualification for the post of Head Master is BT/B.Ed./SSTC/SAV/LT and since the petitioner had passed the Language Teacher Course from the recognised institution, he was eligible for the post of Head Master. To arrive at this conclusion, learned Single Judge relied upon judgment dated 17.09.2004 passed in Civi Writ Petition No.1681 of 2002 (Ajit Sen, Sanskrit Teacher vs. State of Haryana) and the judgment reported as Bahadur Singh Vs. State of Haryana, 2009 (1) RSJ, 100. In Ajit Sen's judgment, this court had held that Shiksha Shastri qualification is equivalent to B.Ed. First mentioned judgment was fully approved in subsequent judgment in Bahadur Singh's case (supra), wherein qualification

of OT Sanskrit has been held to be equivalent to B.Ed. Hon'ble the Division Bench was considering the question of promotion from the post of Sanskrit teacher to the post of Head Master and Language Teacher Course (Sanskrit), was held to be a recognised qualification equivalent to BT/B.Ed. After considering the respondent as eligible, learned Single Judge also found that he was wrongly ignored for promotion from the date his juniors were promoted and, accordingly, issued a direction for considering his case for promotion as Head Master from the date his juniors were promoted.

Learned counsel appearing for the appellant has not been able to show that the findings recorded by the learned Single Judge are erroneous, either on fact or in law. We affirm the findings recorded by the learned Single Judge. This appeal, accordingly, deserves to be dismissed. We order accordingly.

(PERMOD KOHLI)
JUDGE

(RITU BAHRI)
JUDGE

19.09.2011
BLS

Note: Whether to be referred to the Reporter? YES/NO